

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ashok Mannava on 1/3/2010.

Claim 38 has been amended as follows:

A switching mesh including a capability to handle oversubscribed ports between switches, comprising:

a plurality of switches,

wherein the plurality of switches in the mesh are individually configured to:

detect an oversubscribed port,

select a set of paths exiting at the oversubscribed port for retagging,

invalidate tags for the set of paths,

receive packets with the invalidated tags, and

wherein the invalidated tags and the tags associated with the detour comprise paths assigned to respective ones of the packets and which paths individually comprise a path between an originating source switch and an end destination switch of the respective packet and which includes a plurality of different switches intermediate the originating source and end destination switches, and

wherein the invalidated tags and the tags associated with the detour individually comprise a source switch identifier which identifies the originating source switch of the respective packet of the individual tag and a destination switch identifier which identifies the end destination switch of the respective packet of the individual tag.

The reason for the above amendment is the overcome single means claim language for claim 38.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tanaka (US 2009/0303882) describing load balancing with use of VLAN tags, and Haskin (US 6,813,242) describing alternate path rerouting for labeled data packets upon congestion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WARNER WONG whose telephone number is (571)272-8197. The examiner can normally be reached on 6:30AM - 3:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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